IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 568 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE A.M.KAPADIA

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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MUKUNDBHAI LABHSHANKAR JOSHI - Applicant(s)

Versus

THE STATE OF GUJARAT - Respondent(s)

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Appearance :

MR MJ BUDDHBHATTI for Applicant(s) : 1,

MR PRACHCHHAK for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE A.M.KAPADIA

Date : 15/09/2005

ORAL JUDGMENT

1.By filing instant petition under Section 397 read with Section 401 of the Code of Criminal Procedure (“the Code” for short) the petitioner seeks to challenge the order dated 26-7-2004 recorded below Exh.48 in Special Case (A.C.B.) No.8/2001 by the learned Special Judge (The Prevention of Corruption Act) and Additional Sessions Judge, Veraval, by which charges against the petitioner and another accused person, namely, Jagji Salubhai Dama, Unarmed Police Constable, Dhari Police Station, District – Amreli, for commission of the alleged offence under Sections 409, 420, 465, 466, 477 (C) and under Sections 7, 13 (1) read with Section 13 (2) of the Prevention of Corruption Act has been framed. By filing this petition the petitioner has prayed for quashing and setting aside the said order of framing charge or in alternative has prayed to pass an order for separating trial by framing appropriate charge.

2.Having heard Mr.Budhbhatti, learned advocate for the petitioner and Mr.Prachchhak, learned APP for the State of Gujarat and having perused the impugned order of framing charges against the petitioner as well as one Shri Jagji Salubhai Dama and having gone through the police investigation papers, according to this Court no infirmity or illegality has been committed by the learned trial Judge in framing charge against the present petitioner for the commission of the alleged offence and, therefore, no interference of this Court is called for, in exercise of powers conferred under Section 397 ready with Section 401 of the Code.

3.Seen in the above context, the petition lacks any merit hence, the same deserves to be rejected.

4.For the foregoing reasons, the petition fails and accordingly, it is rejected. Rule is discharged. Interim relief shall stand vacated.

5.Record and Proceedings which has been called for and received by this Court shall be sent back to the learned Special Judge, Veraval, forthwith. The learned Special Judge, Veraval, is directed to proceed with the trial of Special Case (A.C.B.) No.8/2001 at the earliest.

(A.M. Kapadia, J.)

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